UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ROSE, KERRI M

ART UNIT	PAPER NUMBER
2416	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 July 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Please note AU 2616 is now AU 2416.

2.   Applicant's arguments, see page 7 section labeled claim 1, filed 07/28/2008, with respect to the rejection(s) of claim(s) 1-20 under 102 and 103 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of new reference Sun et al. (US 2005/0190744).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4, 8, 9, 13-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being anticipated by Michael et al. (US 2004/0170263) in view of Sun et al. (US 2005/0190744; previously cited).

In regards to claim 1, Michael discloses a method for providing presence state information comprising the steps of: receiving first messages by a presence server (figure 4 elements 402 and 408) from at least two switches in the public switched telephone network (fig. 5.116, 118 discloses a PSTN "cloud" or network. Such a network is known to comprise at least two switches.) containing call event information for consumer premises equipment supported by telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-

d), where the first messages are transmitted from the at least two switches to the presence server

disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part

of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with

at least one of the telephone lines (fig 4. 412) based on the call event information where the call

event information defines both when the telephone line is available and is not available to

receive a call (fig. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted

and rerouted based upon presence information and other rules);

transmitting by the presence server a second message over the Internet using Internet

protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second

message containing the presence state information associated with the at least one of the

telephone lines (fig. 4.422).

Michael does not disclose where the first messages are transmitted from the at least two

switches over a signaling system 7 network.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so

provides a clean separation of components, as taught by Sun in paragraph 48.

In regards to claim 4, Michael discloses displaying a visual indicia corresponding to the

presence state (fig. 1).

In regards to claims 8 and 9, Michael discloses sending the first message from the PSTN switch in a PSTN compatible protocol (fig. 4.408) and are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state (fig. 2.206, 208).

In regards to claim 13, Michael discloses wherein the at least one telephone line is connected to a PSTN terminal that is not capable of direct Internet communications. (Michael lists the PSTN terminals in fig. 5.118. These terminals are not illustrated as being connected to the LAN/Internet network [5.102] and are further distinguished from the LAN telephones [5.120] and computers [5.122]. Therefore, Michael does not teach the PSTN terminals as capable of direct Internet communications.)

In regards to claim 14, Michael discloses a method for providing presence state information to an internet user using an Internet terminal coupled to the Internet about CPE supported by a PSTN where the CPE does not have direct internet capability comprising the steps of: receiving first messages by a presence server (figure 4 elements 402 and 408) from at least two switches in the public switched telephone network (fig. 5.116, 118 discloses a PSTN "cloud" or network. Such a network is known to comprise at least two switches.) containing call event information for consumer premises equipment supported by telephone lines served by the respective switches (such as telephones disclosed in fig. 1.1122a-d),

where the first messages are transmitted from the at least two switches to the presence server disposed in infrastructure of the PSTN (paragraph 34 discloses the presence server may be part of the PSNT infrastructure as opposed to the LAN infrastructure);

determining by the presence server a presence state of a PSTN subscriber associated with at least one of the telephone lines (fig 4. 412) based on the call event information where the call

event information defines both when the telephone line is available and is not available to receive a call (fig. 2.206; paragraph 34; paragraph 36 which indicates a call can be intercepted and rerouted based upon presence information and other rules);

transmitting by the presence server a second message over the Internet using Internet protocol to a first Internet terminal equipment of a first Internet user (fig. 5.120, 122), the second message containing the presence state information associated with the at least one of the telephone lines (fig. 4.422).

Michael does not disclose where the first messages are transmitted from the at least two switches over a signaling system 7 network.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so provides a clean separation of components, as taught by Sun in paragraph 48.

Claim 15 is rejected upon the same grounds as claim 4.

In regards to claims 19 and 20, Michael and Sun disclose receiving the first messages comprise receiving the first messages by a service control point that is coupled to the presence server disposed as part of the infrastructure of the PSTN (Sun paragraph 48 discloses using a service control point), and the step of transmitting the second message comprises transmitting the second message by the presence server on every occurrence of the one telephone line changing from one presence state to another presence state (Michael fig. 2.206, 208).

5.   Claims 1-7, 10-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tang et al (previously cited) in view of Michael et al. (US 2004/0170263) in view of Sun et

al. (US 2005/0190744; previously cited).

In regards to claims 1 and 14, Tang discloses receiving call event information;

determining presence state information; and transmitting the presence information to an Internet

terminal. Figure 9 discloses a plurality of phones connected to a telephony network through a

switch. The Awarenex server determines the presence based on call events. The Awarenex

server proxy on the Internet side then receives presence information and displays the

information, such as shown in figure 6.

Tang does not disclose using PSTN.

Michael discloses determining the presence of PSTN subscribers in figure 4 elements

402, 408, and 412 and figure 5 elements 116 and 118.

It would have been obvious to one of ordinary skill in the art for the corporate network of

Tang to be built using PSTN, as taught by Michael because PSTN is a well known. Using PSTN

instead of the phone network taught by Tang is a simple substitution of one known element for

another with predictable results. PSTN is also one of a small subset of available telephony

protocols and therefore would be obvious to try.

Michael and Tang do not disclose where the first messages are transmitted from the at

least two switches over a signaling system 7 network.

Sun discloses a signaling system 7 network with a service control point in paragraph 48.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a SS7 network, as taught by Sun, for the messaging taught by Michael because doing so provides a clean separation of components, as taught by Sun in paragraph 48.

In regards to claim 2, Tang discloses storing a previous call state in figure 7. Figure 7 discloses each device associated with a user. The device currently in use is marked as active and all other devices display the time since their last active call state.

In regards to claim 3, Tang discloses determining the current presence by comparing a current call state to a previous call state. In figure 7, the office is recommended as the likely location of the user. This is determined by comparing the active state of equipment there to the idle state of all other equipment associated with that particular user.

In regards to claims 4-7 and 15-18, Tang discloses visual indicia with time information in figure 6. Figure 6 discloses a "buddy list" with each user's name, location, time since last activity or current activity, and current or next appointment time.

In regards to claims 10-12, Tang discloses tracking call timing. Figure 6 shows the active and idle times for a buddy list. Figure 7 shows the active and idle time for a particular user on the buddy list. Figure 3 discloses an IM message that is displayed with the time the message was sent.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542.

The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Kerri M Rose/
Supervisory Patent Examiner, Art Unit 2416   Examiner, Art Unit 2416